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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,035	07/28/2003	Darryl C. Stein	G48-1386-1	9023

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MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER	
PRONE, JASON D	

ART UNIT	PAPER NUMBER
3724	

NOTIFICATION DATE	DELIVERY MODE
05/12/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com
Shopkins@Morganfinnegan.com
jmedina@Morganfinnegan.com

Office Action Summary	Application No.	Applicant(s)	
	10/631,035	STEIN ET AL.	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *7-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/30/07 & 12/12/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: in Figure 3, items "140" and "148". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In paragraph [0019] line 6, the phrase "can them be employed" should be replaced with "should then be employed". On line 9 of paragraph [0019], the phrase "blade 28" should be replaced with "blade 48".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearl (3,815,221) in view of Henninger (3,274,409), Balamuth et al. (3,086,288), and Kuris (3,610,080). Pearl discloses the invention including an apparatus for cutting sheet type work (30) comprising a blade defining at least one sharpened edge (18), a frame (12) having a support surface (16) mounted thereon for carrying at least one layer of a sheet-type work material (30), a carriage (22) coupled to the frame (12) for movement back-and-forth there along in a first coordinate direction in response to commands issued from a controller (26), a cutter head (20) coupled to the carriage for movement back-and-forth in a second coordinate direction also in response to commands issued from the controller (26), and the second coordinate direction being approximately perpendicular to the first coordinate direction (Fig. 1).

However, Pearl fails to disclose the means for actuating the blade or a resonator assembly.

Henninger teaches it is old and well known to incorporate a resonator assembly with a magnetically permeable beam (12), an element (20, 21) coupled to the beam (12), a magnetic pickup (14) coupled to the beam (12), at least one discrete magnet (32) positioned proximate the pickup (14), the magnet and the pickup defining an air gap there-between (32, 14), a resonating means for moving the at least one discreet

magnet (32) relative to the pickup (14) to create an alternating magnetic field, thereby causing the pickup to vibrate (14) to create an alternating magnetic field, the resonating means (32) opening and closing a magnetic circuit (18, 22) comrpising the beam and the pickup thereby causing the pick to vibrate (12, 14) which in turn causes the beam and element to vibrate (12, 20, 21),. Furthermore, Henninger discloses the resonating means includes a magnet retainer (25) having a plurality of magnets coupled thereto (32), a motor (7), the magnet retainer (25) being rotatably coupled to the motor (by motor shaft 7), and wherein rotation of the motor and thereby the magnet retainer (25) causes at least one magnet (32) to pass by the pickup (14) at a known frequency thereby generating an alternating magnetic flux that in turn causes the element to resonate (12), Henninger discloses a mounting bracket (16, 17), the beam (12) being attached to and cantilevered from the mounting bracket (16, 17). The Henninger resonator assembly is fairly small in size and lightweight, while still being powerful and efficient (Column 1 lines 35-36 and lines 42-43).

Balamuth et al. further disclose advantages for using a vibrating blade in cutting operating, particularly for cutting fabrics and leather. Balamuth et al. disclose a vibrating blade requires less force (Column 1 lines 45-49) and creates a cleaner cut (Column 1 lines 53-56) than a blade that is not vibrating.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Pearl with a small lightweight, powerful, and efficient resonator assembly, as taught by Henninger with Balamuth et al., to vibrate the blade and because all claimed elements were known in the prior art and one skilled in

the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

In addition, the modified device of Pearl fails to disclose a controller as claimed.

Kuris teaches it is old and well known to incorporate a an apparatus for cutting having a controller (15) for controlling the acceleration and deceleration of the blade (13) cutting the work material and monitoring resonance of the blade and adjusting the frequency of the resonance to compensate fro any damping caused by engagement of the blade. This tuning can be performed manually or automatically, and allows for adjustment of the vibrating blade depending on the force of the work piece on the blade (Column 3 line 75-Column 4 line 8).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the modified device of Pearl with controller, as taught by Kuris, to adjust vibrations and because all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective function and the combination would have yielded predictable results.

Response to Arguments

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the magnetic flux from the reed magnetics is never returned to the magnet holding means) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Henninger clearly discloses a resonator means opening and closing a magnetic circuit (22, 18) which comprises the beam and the pickup (12, 14).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571)272-4513. The examiner can normally be reached on 7:30-5:00 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05 May 2008

/Jason Prone/

Primary Examiner, Art Unit 3724